



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/682,107      | 07/20/2001  | Jefferson M. Kommers | VIGN1270            | 5626             |

25094 7590 06/23/2003

GRAY, CARY, WARE & FREIDENRICH LLP  
1221 SOUTH MOPAC EXPRESSWAY  
SUITE 400  
AUSTIN, TX 78746-6875

EXAMINER

AL HASHEMI, SANA A

ART UNIT PAPER NUMBER

2171

DATE MAILED: 06/23/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/682,107

Applicant(s)

KOMMERS ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Claim Status: 1 –24 are rejected.

Applicant's arguments filed 6/17/2003 have been fully considered but they are not persuasive.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Caid et al. (US Patent No. 5,619,709).

1. Regarding Claims 1, 7, 13, and 19, Caid discloses a method of searching for a plurality of information objects comprising:

selecting a first keyword from list, wherein the first keyword is part of a list query, (see Fig. 2A, column 6, lines 38-45, Caid);

automatically expanding the first query to a second query, wherein the second query includes the first keyword and the second keyword, wherein the second key is on the keyword list (see Fig. 2B, column 6, lines 45-47, Caid);

searching the database using the second query (see column 5, lines 26-36, Caid);

finding a first identifier for a first: information object that corresponds to the second

Art Unit: 2171

query, wherein the first information object is part of the plurality of information objects (see column 5, lines 37-48, Caid).

2. Regarding Claims 2, and 14, Caid discloses a method wherein:

the database comprises a plurality of information objects including the first information object and the keyword listed and a hierarchy of keyword within the keyword list (see column 5, lines 55-58, Caid);

each information object within the plurality of information objects has at least one related keyword within the keyword list (see column 5, lines 37-48, Caid);

the hierarchy defines a relationship among the keywords within the plurality of keywords (see column 5, lines 59-62, Caid).

3. Regarding Claims 3, and 15, Caid discloses a method further comprising:

automatically determining a first association score between the first keyword and the second keyword based at least in part upon their positions within the hierarchy (see column 13, lines 1-8, Caid).

4. Regarding Claims 4, and 16, Caid discloses a method further comprising automatically determining a second association score between the first keyword and the third keyword based upon their positions within the hierarchy, wherein expanding the first query is performed such that the second query does not include the third keyword (see Fig. 4, Caid).

5. Regarding Claims 5, and 17, Caid discloses a method further comprising filtering at least some of the information objects within the plurality of information objects to meet a defined criterion (see column 13, lines 40-46, Caid).

Art Unit: 2171

6. Regarding Claims 6, and 18, Caid discloses a method further comprising: determining an association score between each keyword within the first query and each keyword within the second query based at least in part upon their positions within the hierarchy; and calculating a first relevance score for the first information object, wherein:

at least one first relevancy rating is obtained for the first information object (see column 11, lines 11-15,Caid);

the first relevance score includes a first sum divided by a number of keywords within the second query (see column 11, lines 11-15,Caid);

the first sum includes a first summation of first products (see column 11, lines 16-20, Caid);

and for each keyword within the second query, its first product includes a corresponding first association score and a corresponding first relevance rating (see column 4, lines 40-45, Caid).

7. Regarding Claims 8, and 20, Caid discloses a method further comprising:

searching a database using the second query, wherein an information object is associated with the second keyword but is not associated with the first keyword (see column 6, lines 27-30, Caid);

and sending a second signal that includes an object identifier for the information object (see column 6, lines 30-37, Caid)..

8. Regarding Claims 9, 11, and 23, Caid discloses a method wherein:

Art Unit: 2171

the first keyword, the second keyword, and a third keyword are represented by a first node, a second node, and a third node, respectively, within a keyword hierarchy (see Fig. 14, Caid);

the method further comprises determining a first association score between the first node and the second node and a second association score between the first node and the third node, wherein the first and second association scores indicate that the first node is more closely associated with the second node than the third node (see column 13, lines 1-8, Caid);

and expanding is performed such that the second query does not include the third keyword (see column 6, lines 40-46, Caid).

9. Regarding Claim 10, Caid discloses a method automatically determining an association score between the first keyword and the second keyword based at least in part upon their positions within the hierarchy (see column 13, lines 1-8, Caid).

10. Regarding Claims 12, and 24, Caid discloses a method wherein automatically determining the association score includes determining a first common ancestor (see column 9, lines 55-59, Caid).

11. Regarding Claim 21, Caid disclose a data processing system readable medium wherein:  
the first keyword, the second keyword, and a third keyword are represented by a first node, a second node, and a third node, respectively, within a keyword hierarchy (see Fig. 2A, Caid);

the method further comprises determining a first association score between the first node and the second node and a second association score between the first node and the third node (see Fig. 2B, Caid);

Art Unit: 2171

wherein the first and second association scores indicate that the first node is more closely associated with the second node than the third node (see Fig. 2C, Caid); and

expanding is performed such that the second query does not include the third keyword (see Fig. 2F, Caid).

12. Regarding Claim 22, Caid discloses a data processing system readable medium the method further comprises automatically determining an association score between the first keyword and the second keyword based at least in part upon their positions within the hierarchy (see column 13, lines 1-8, Caid).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2171

***Response to Amendment***


Applicant argues that Caid fails teach or discloses "using keyword list having keywords". Examiner disagrees. Referring to Fig. 2 A- F, Caid does teach the step of selecting a keyword from the list of hierarchy of keywords.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 746-9098. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

---

Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
June 19, 2003

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100